

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1324 OF 2005
IN
EXECUTION APPLICATION NO. OF 2005
IN
SUMMARY SUIT NO.3548 OF 1997

Sevantilal M. Shah Plaintiff

versus

R.N.P.Sinha Defendant

Ms.Kranti Hiwrale i/by P.G.Lad for plaintiff.

None for defendant.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th June 2006

PC :

1. This Chamber Summons was placed in the morning session when I was informed that Shri Sharma appearing for the defendant is busy in other Court. The matter was kept back at the request of learned advocate holding for Shri Sharma.

2. After recesses, the matter was once again called out but none has appeared for him.

3. I have perused the Chamber Summons and the affidavit in support so also the affidavit in reply.

4. Learned advocate appearing for the plaintiff-decree holder states that the application filed by the defendant to set aside the ex-parte decree has been dismissed. The appeal is still pending but no interim orders are passed therein.

5. In these circumstances, without prejudice to the rights and contentions of the defendant/judgement debtor in the pending proceedings/appeal, Chamber Summons is made absolute in terms of prayer clause (a). Affidavit to be filed within a period of twelve weeks from today. Learned advocate for decree holder undertakes to communicate this order to the judgement debtor and his advocate.

(S.C.DHARMADHIKARI, J.)